



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
OFFICE OF INSPECTOR GENERAL
1301 CONSTITUTION AVENUE, NW
WASHINGTON DC 20004

DATE: MARCH 16, 2016

PREPARED BY: SA [REDACTED]

CASE #: OI-HQ-2015-ADM-0093

CROSS REFERENCE #: HOTLINE 2015-0288

TITLE: [REDACTED], OFFICE OF
CHEMICAL SAFETY AND POLLUTION PREVENTION, EPA

CASE SUMMARY REPORT

Subject(s)	Location	Other Data
[REDACTED]	WASHINGTON DC	

COMPLAINT:

On June 30, 2015, Office of Inspector General (OIG), U.S. Environmental Protection Agency (EPA), Hotline received an electronic message from [REDACTED] of Blue Door Painters, Inc. The message reported potential misconduct by [REDACTED] EPA, Office of Chemical Safety and Pollution Prevention, Washington, DC, EPA East, Room [REDACTED], (202) [REDACTED].

As referenced in the Hotline complaint, [REDACTED] allegedly used [REDACTED] EPA position and authority to pursue a personal matter for repairs on [REDACTED] home. [REDACTED] the Renovation, Repair, and Painting Rule, which is covered in 40 CFR 748. In addition, [REDACTED] may also be in violation of 5CFR 2635.702, which pertains to the use of public office for private gain. Furthermore, the investigation considered whether [REDACTED] took the appropriate processes to avoid an appearance of loss of impartiality.

BACKGROUND:

On [REDACTED] 2012, Blue Door Painters Inc., began a repainting project on [REDACTED] private residence. The project consisted of stripping the existing paint which was chipping on most of the painted surfaces of the home and applying new paint to the previously paint chipped surfaces of the residence.. The work was to be completed in a manner consistent with the EPA's rule regarding lead safe practices. This requires firms performing renovation, repair, and painting projects that disturb lead-based paint in homes built before 1978 be trained and certified by the

RESTRICTED INFORMATION

EPA in the area of lead safe practices. In this matter, the existing paint on [REDACTED] residence may have been from an era when lead paint was still used on the exterior of homes. The project was completed on [REDACTED], 2012. [REDACTED] paid for the project in full which totaled in \$3070.00 and included a down payment of \$925.00.

After the job was completed, [REDACTED] noticed that there were numerous paint chips left behind, indicating the clean-up procedures by Blue Door Painters Inc., were not consistent with the lead safe practices, required by the Renovation, Repair, and Painting Rule. [REDACTED] consulted with colleagues for how [REDACTED] should address the issue, and ultimately filed a formal complaint with the EPA's "Report a Violation" or "RAV" system, which is an environmental compliance hotline.

As a result of [REDACTED] complaint, an environmental compliance investigation ensued and found that Blue Door Painters Inc. was in violation. Blue Door Painters Inc. was fined \$123,000 for regulatory violations. However, through a settlement process involving legal representation for both Blue Door Painters Inc., as well as the EPA, Blue Door Painters Inc. ultimately paid a reduced fine of approximately \$18,000.

On June 30, 2015, Blue Door Painters Inc., registered a complaint with the OIG, EPA, alleging that [REDACTED] may have used [REDACTED] position of authority at the EPA for personal gain involving a painting project at [REDACTED] private residence.

INVESTIGATIVE FINDINGS:

The EPA, OIG's investigative findings were such that:

There were numerous paint chips left behind by Blue Door Painter Inc. at [REDACTED] private residence after the completion of the repainting job, in violation of the Renovation, Repair, and Painting Rule. EPA policy and procedure was adhered to during the ensuing environmental compliance investigation. During the subsequent OIG investigation, agents questioned the practice of pulling documents related to other projects as well as pulling documents regarding the job at [REDACTED] residence. Agents found this practice to be consistent with environmental compliance investigative procedure.

Additionally, agents investigated the alleged excessive fine that was initially levied against Blue Door Painters Inc of \$123,000. The investigation determined the fine against Blue Door Painters Inc. was consistent with fines levied against other companies found to be in similar violations of the Renovation, Repair, and Painting Rule. The investigation was provided with a press release that detailed numerous companies in similar violation as Blue Door Painters Inc., with similar fines. Specifically, seven companies each paid total fines, in excess of \$25,000, six companies, including Blue Door Painters Inc., paid total fines in the \$18,000 - \$22,000 range, with another six companies paying total fines in the \$10,000 - \$17,000 range. The investigation revealed the fines levied against companies found to be in violation of an environmental regulation are drawn from a standardized table of penalties, known as the "Penalty Table Regarding Nationally Significant Issues."

Additionally, the investigation revealed that during the year Blue Door Painters Inc. was found to be in violation, they as a company grossed a total business income that was too large to be qualified for the "Micro-business Policy" which allows for reduced fines for a small business that grosses less than \$300,000 per year.

The investigation revealed that while [REDACTED] the Renovation, Repair, and Painting Rule, this was but one of multiple rules that [REDACTED]. Additionally, at the time of [REDACTED] complaint submission regarding Blue Door Painters, [REDACTED] no longer worked for the office that oversees the Renovation, Repair, and Painting Rule.

Lastly, the investigation revealed that [REDACTED] did not gain anything through the use of [REDACTED] public position, and [REDACTED] had no undue influence over the environmental compliance investigation regarding the violations that took place at [REDACTED] private residence. Specifically, after submitting the complaint regarding the work completed by Blue Door Painters, [REDACTED] made no attempt to guide or influence the investigative process or findings.

On March 28, 2016, the Assistant United States Attorney's office was presented with the facts and findings of the [REDACTED] investigation and declined prosecution based on the details of the case.

RECOMMENDATION:

The investigation revealed that the allegations against [REDACTED] are not supported, and no further investigatory actions are warranted. However, if additional information is discovered, or if provided by an outside source, OI will assess such information and take appropriate action.

This case is recommended for closure with no further action.